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12                   **UNITED STATES DISTRICT COURT**

13                   **DISTRICT OF NEVADA**

14 JANENE TRUJILLO,

CASE NO.: 3:19-cv-00056

15                   Plaintiff,

16                   vs.

17 ZIMMER, US, INC., a Delaware Corporation,  
SYNVASIVE TECHNOLOGY, a California  
Corporation, BIOMET ORTHOPEDICS, LLC,  
an Indiana Limited Liability Company,  
BIOMET, INC., an Indiana Corporation, and  
DOES I-X, inclusive,

[PROPOSED] ORDER GRANTING  
JOINT MOTION TO STAY PENDING  
TRANSFER TO MDL COURT

[Filed concurrently with Joint Motion and  
Declaration of T. O'Reilly]

21                   Defendants.

Complaint Filed: November 16, 2018

22                   This matter comes before the Court on the Joint Motion to Stay Pending Transfer to  
23 the MDL Court submitted by Plaintiff Janene Trujillo ("Plaintiff") and Defendants Zimmer,  
24 US, Inc., Synvasive Technology, Inc., Biomet Orthopedics LLC, and Biomet, Inc.  
25 (collectively, "Zimmer/Biomet").

26                   The parties jointly request that the Court stay this action pending a decision on the  
27 conditional transfer to the multidistrict litigation proceeding *In re Zimmer M/L Taper Hip*

1       *Prostheses*, MDL No. 2859 (SDNY Oct. 3, 2018) (the “MDL”). The Court, having considered  
2 the Joint Motion and for good cause shown, hereby orders as follows:

3       The Joint Motion to Stay Pending Transfer to the MDL Court is GRANTED. This  
4 action will be stayed in this Court pending the MDL Court’s final decision on this action’s  
5 transfer to the ~~MDL~~.  
2346

6       DATED this \_\_\_\_ day of March, 2020.



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8       Hon. ~~Carla Baldwin~~ Miranda M. Du  
9       United States Magistrate Judge  
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19 **UNITED STATES DISTRICT COURT**  
20 **DISTRICT OF NEVADA**

21 JANENE TRUJILLO,

22 Plaintiff,

23 vs.

24 ZIMMER, US, INC., a Delaware  
25 Corporation,  
26 SYNVASIVE TECHNOLOGY, a  
27 California Corporation, BIOMET  
28 ORTHOPEDICS, LLC, an Indiana  
Limited Liability Company, BIOMET,  
INC., an Indiana Corporation, and  
DOES I-X, inclusive,

1 Defendants.

CASE NO.: 3:19-cv-00056

**DECLARATION OF THEODORE  
O'REILLY IN SUPPORT OF  
JOINT MOTION TO STAY  
PROCEEDINGS PENDING  
TRANSFER TO MDL COURT**

[Filed concurrently with Joint Motion  
to Stay and [Proposed] Order]

Complaint Filed: November 16, 2018

**DECLARATION OF THEODORE O'REILLY**

1. I am an active member of the Bar of the State of California and an  
associate with Faegre Drinker Biddle & Reath LLP, attorneys of record for  
Defendants Defendants Zimmer, US, Inc., Synvasive Technology, Inc., Biomet  
Orthopedics LLC, and Biomet, Inc. I make this declaration in support of the  
Parties' Joint Motion to Stay Proceedings Pending Transfer to MDL Court. I

make this declaration based upon personal knowledge and, if called upon to do so, I could and would so testify.

2. Attached as Exhibit 1 is a true and correct copy of the Conditional Transfer Order applicable to this action, issued in the multidistrict litigation proceeding *In re Zimmer M/L Taper Hip Prosthesis*, MDL No. 2859 (SDNY Oct. 3, 2018) (the “MDL”).

I declare under the penalty of perjury and the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 19th day of March 2020, at Los Angeles, California.

*/s/ Theodore O'Reilly*

**Theodore O'Reilly (*Pro Hac Vice*)  
FAEGRE DRINKER BIDDLE  
& REATH LLP**

Attorney for Defendants  
Zimmer, US, Inc., Synvasive Technology,  
Inc., Biomet Orthopedics LLC, and  
Biomet, Inc.

# **EXHIBIT “1”**

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**IN RE: ZIMMER M/L TAPER HIP PROSTHESIS  
OR M/L TAPER HIP PROSTHESIS WITH  
KINECTIV TECHNOLOGY AND VERSYS  
FEMORAL HEAD PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2859

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO -19)**

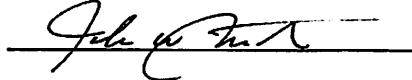
On October 3, 2018, the Panel transferred 19 civil action(s) to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 340 F.Supp.3d 1379 (J.P.M.L. 2018). Since that time, 44 additional action(s) have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Paul A. Crotty.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Crotty.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of October 3, 2018, and, with the consent of that court, assigned to the Honorable Paul A. Crotty.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



John W. Nichols  
Clerk of the Panel

**IN RE: ZIMMER M/L TAPER HIP PROSTHESIS  
OR M/L TAPER HIP PROSTHESIS WITH  
KINECTIV TECHNOLOGY AND VERSYS  
FEMORAL HEAD PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2859

**SCHEUDLE CTO-19 – TAG-ALONG ACTIONS**

<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	<b><u>CASE CAPTION</u></b>
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NEVADA

NV	3	19-00056	Trujillo v. Zimmer US, Inc. et al
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